

Amendments to the Claims

1. – 21. (canceled)

Please add the following claims:

22. (new) A network device, comprising:

a converter to receive a packet data stream intended for a packet domain and to convert the packet data stream into an altered data stream intended for transmission through a public switched telephone network; and

a controller to:

establish a connection through the public switched telephone network with at least one other network device using the altered data stream;

send signals through the converter in the altered data stream identifying the network device as a packet device that can receive packet data;

determine, using signals received from one of the other network devices, whether the other network device is a packet device that can receive packet data;

send the packet data stream to the other network device, if the network device determines that the other network device is a packet device that can receive packet data;

and

send the altered data stream to the other network device, if the network device determines that the other network device is not a packet device and cannot receive packet data.

23. (new) The network device of claim 1, wherein the network device comprises a voice gateway.

24. (new) The network device of claim 1, wherein the packet data stream comprises one of either coded voice or data.
25. (new) The network device of claim 1, wherein the converter comprises one of either a voice coder/decoder or a modem.
26. (new) The network device of claim 1, wherein the controller employs one of either ITU V.8 protocols, or robbed-bit signaling to identify the network device as a packet device.
27. (new) A method, comprising:
- receiving a packet data stream intended for a packet domain;
 - converting the packet data stream into a altered data stream intended for transmission through a public switched telephone network;
 - establishing a connection through the public switched telephone network with at least one other network device using the altered data stream;
 - sending signals through the converter in the altered data stream identifying the network device as a packet device that can receive packet data;
 - determining, using signals received from the other network device, whether the other network device is a packet device that can receive packet data;
 - sending the packet data stream to the other network device, if the network device determines that the other network device is a packet device that can receive packet data; and
 - sending the altered data stream to the other network device, if the network device determines that the other network device is not a packet device and cannot receive packet data.
28. (new) The method of claim 27, wherein sending signals comprises sending signals in accordance with ITU Recommendation V.8.

29. (new) The method of claim 27, wherein converting the packet data stream further comprises using one of either a voice coder/decoder or a modem to convert the packet data stream to the altered data stream.
30. (new) The method of claim 27, comprising gathering information on the other network device and storing the information for further use.
31. (new) The method of claim 27, wherein determining comprises:
- accessing a storage of known network devices based upon the signals received from the other device;
 - locating information about the other network device; and
 - using that information in determining whether the other device is a packet device.